

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>AIRTOURIST HOLDINGS, LLC, JASON CHEN, and EDGAR PARK,</p> <p>Petitioners,</p> <p>-against-</p> <p>HSBC BANK USA, N.A.,</p> <p>Respondent.</p>	<p>Civil Action No. 1:22-cv-00848 -AKH</p> <p>[PROPOSED] ORDER</p>
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ALVIN K. HELLERSTEIN, U.S.D.J.

1. **WHEREAS** AirTourist Holdings, LLC (“AirTourist”), Jason Chen (“Chen”), and Edgar Park (“Park” and collectively “Petitioners”) obtained an arbitral award against Tan Xiangdong aka Xiangdong Tan (“Tan”), HNA Group (“HNA”); HNA Group (International) Co., Ltd. (“HNA International”); HNA Capital Ltd. (“HNA Capital”); Wang Jian (“Jian”); Charles Mobus (“Mobus”); Shi Lei (“Lei”); and Li Ming Bi (“Bi” and collectively “Debtors”) on January 18, 2021; and
2. **WHEREAS** Petitioners obtained a Judgment against Debtors on June 1, 2021 in the Northern District of California, Case No. 4:17-cv-04989-JSW (the “California Action”); and
3. **WHEREAS** the Judgment was subsequently revised twice, the last of which was entered on July 27, 2021 (the “Judgment” – California Action, ECF No. 109); and
4. **WHEREAS** on or about January 3, 2022 Petitioners issued a restraining notice and information subpoena to HSBC Bank USA, N.A. (“HSBC”) requesting it freeze assets in its possession, custody, or control related to Lei (“Restraining Notice”; ECF No. 1-3); and
5. **WHEREAS** on or about January 4, 2022 HSBC responded to Petitioners’ Restraining Notice that it had identified, and did in fact freeze non-exempt assets related to Lei in its possession, custody or control totaling \$14,281.06, (“HSBC Response”; ECF No. 1-4); and
6. **WHEREAS** Petitioners filed a Turnover Petition against HSBC in this Court on January 31, 2022 (“Petition” – ECF No. 1); and

7. **WHEREAS** HSBC provided no Answer to the Petition; and
8. **WHEREAS** between January 2 and 3, 2022 Petitioners filed a proposed Order to Show Cause, Declaration of David A. Yearwood with supporting exhibits, and memorandum in support (collectively, “OSC Filing” – ECF Nos. 7, 8, 9) arguing that HSBC should immediately turn over to Petitioners all non-exempt funds in its possession, custody, or control related to Lei as identified in HSBC’s Response (ECF Nos. 9-11); and
9. **WHEREAS** this Court issued an Order to Show Cause on February 3, 2022, setting a due date for opposition papers to Petitioners’ OSC Filing for February 10, 2022, reply papers in further support of Petitioner’s OSC Filing for February 11, 2022, and setting a hearing date for February 14, 2022 (“OSC Hearing” - ECF No. 10); and
10. **WHEREAS** Petitioners served HSBC and Lei with copies of the OSC Filing by certified mail return receipt on February 4, 2022 (ECF Nos. 11 and 12); and
11. **WHEREAS** by February 10, 2022 neither HSBC nor Lei responded or otherwise appeared to oppose the Order to Show Cause; and
12. **WHEREAS** on February 14, 2022 this Court i) noted “neither Respondent nor any other interested party has entered any appearance or filed any opposition”, ii) cancelled the OSC Hearing, and iii) granted Petitioners request for issuance of a turnover order (ECF No. 13); and
13. **WHEREAS** this Court ordered Petitioners to submit a proposed order for this Court’s review (ECF No. 13);
14. **IT IS HEREBY ORDERED** that **HSBC** immediately turn over to **ARENT FOX LLP**, counsel for **PETITIONERS**, all non-exempt funds in its possession, custody or control related to Lei.

Dated: New York, New York
February 15, 2022

ENTER:

/s/ Alvin K. Hellerstein

UNITED STATES DISTRICT COURT JUDGE